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Statements and silence: fanfic paratexts for *ASOIAF/Game of Thrones*

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Today, most media authors acknowledge and to some degree integrate the user-generated content of their fandom. Some, however, still perform authoritarian positions of prohibition. George R. R. Martin, the creator of *A Song of Ice and Fire*, attempts to ban fanfiction, whilst acknowledging he cannot control use of the characters licensed to the TV adaptation (*Game of Thrones*). Building on the work of Jonathan Gray and Alexandra Herzog on paratexts in fandom studies, this article performs a critical discourse analysis on a systematic sample of the paratexts fanfic authors attach to fanfic from a cross section of online forums. These statements discursively reconfigure constructions of authorship and ownership, strongly inflected by the factors of site, audience and category. However, these paratexts evidence a paradox, legitimating their work by reference to the authority of what is already legitimate. The more radical gesture may be the *absence* of paratextual justification, and refusal of the ‘incitement to discourse’ which Foucault recognised as a technique of modern power.

1. Introduction

Despite the current trend in fan studies to focus on convergence and negotiation between fan cultures and copyright holders (Jenkins 2006; Schäfer 2011; Barton 2014; Garlen 2014; Jones 2014), some owners and authors still perform authoritarian positions of prohibition. George R. R. Martin, the author of *A Song of Ice and Fire* (*ASOIAF*) states publically his dislike of fanfiction with his characters, attempting to forbid its production (Martin 2010). However, as he must admit, by licensing *ASOIAF* to be televised as HBO’s *Game of Thrones* (*GoT*), fanfiction pertaining to the television series can only be policed, encouraged or ignored by the network.

Gray’s (2010) argues that paratexts structure and guide the reception of media texts. He builds on Genette’s arguments that paratexts including prefaces, notes, disclaimers and blurbs are not superfluous or secondary to the ‘real’ text, but ‘a zone between text and off-text, a zone not only of transition but also of transaction: a privileged place of pragmatics and a strategy’ (1997, 2). Here we are particularly concerned with strategies to legitimate the presence and to an extent the authority of the derivative/transformative work against ambiguous stances by copyright holders. Gray suggests that we differentiate ‘entryway paratexts’, those that preface a work and guide as *into* it, from paratexts ‘in media res’: those that interrupt, inflect or possibly redirect a reading in the middle of a text (2010, 35). Herzog’s (2012) argued that the paratexts of fanfic, especially authors’ notes, have a paradoxical function: on the one hand, they stake a claim to singular authorship, and on the other, frame writing and creation as a communal endeavour. This

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article performs a critical discourse analysis to discover the discursive techniques through which *GoT/ASOIAF* fanfic writers establish the position of their fic in paratextual notes and disclaimers. In response to Martin's self-presentation as sole, controlling author, fan paratexts form a range of constructions of authorship, and so seek to negotiate and legitimate a place for the fic at hand. Similarly, as Roth and Flegel (2013) have argued, fans' willingness to engage with the legal language of copyright, whilst admitting their non-professional positions, indicates a conception of law as an active discourse and the ability of all stakeholders, fans included, to alter that discourse through statements.

First, I analysed the official statements by Martin and HBO regarding fanwork (HBO does not refer to fic specifically, a point further explored below). These set the positions against which and according to fic paratexts operate. Then, I explain the method of sampling fanfic across categories of the *GoT/ASOIAF* websphere, and the Fairclough-influenced model of CDA by which I analysed them. I then present the findings. I found that fans' authors' notes and disclaimers fall into four overlapping categories addressing the constructions of authorship and ownership.

Throughout the analysis, we can observe what I have previously identified as the paradox of legitimation (Fathallah 2013). The fanwork is justified by reference to the originating and traditional White male author or his work. Martin's dislike of fanfic complicates this, as fans cannot easily claim their fic is homage or appreciation. So where Martin is not outright challenged or contradicted, fic may be justified by reference to the authorized text. The 'text itself' stands in for the author, who has positioned himself in a way that is difficult to utilize for the legitimation of fanfic. Sometimes, the canonical text is constructed as having given rise to fic spontaneously, without much conscious participation by the fanfic writer. At other times, it is the powerful predecessor whose influence must be grappled with. Finally, I want to address the fact that not all fanfic has paratexts. The omission of paratexts can be seen as a refusal of what Foucault calls the 'incitement to discourse', an 'an institutional incitement to speak' and satisfy the 'will to knowledge' inherent in networked power structures (1998, 17–18, 12). Silent *refusal* of justification and self-explanation, it will be argued, may affect the discourse more profoundly than the paradoxical legitimation of one's work. Refusal of the incitement to discourse signifies refusal to negotiate on the author–God's terms: the fan's writing stakes out its own place in defiance of those power structures already defined by the author and the legal frameworks he invokes. Thus, these power structures are changed: each time the author's word is defied without consequence, its authority is diminished.

2. Statements by owners

According to Foucault, we ought not to think of power as some great prohibition or repression of discourse, but as a 'polymorphous technology [...] entailing effects that may be those of refusal, blockage, and invalidation, but also incitement and intensification' (1998, 11). Discourse, which in this context means the productions of fandom and the canonical, legal, technological industrial networks they arise in, may be incited for organization, management and potential profit by media owners (c.f. De Kosnik 2009; Andrejevic 2008; Martens 2011). But Martin's statements take the form of old-fashioned prohibition and repression of fanfic. His primary argument is financial, though he cites emotional reasons also. As he writes in his own LiveJournal:

Those of us, like Diana Galabdon and myself, who prefer not to allow fan fictioners [*sic*] to use our worlds and characters are not doing it just to be mean. We are doing it to protect ourselves and our creations. [...] a copyright MUST BE DEFENDED [caps in original]. If someone infringes on your copyright, and you are aware of the infringement, and you do not defend your copyright, the law assumes that you have abandoned it. Once you have done that, anyone can do whatever the hell they want with your stuff. (Martin 2010)

Martin states that ‘a writer’s creations are his livelihood’ and admits that whilst he is aware of the arguments in favour of fanfic, he ‘value(s) protecting (his) livelihood above being the canary in the coal mine of societal change’ (2010). He then introduces emotional arguments, claiming a Romantic model of paternalist authorship: ‘my characters are my children [...] I don’t want people making off with them’ (2010). However, in a move that may seem at odds with this, Martin licensed a televisual adaptation of *ASOIAF* to HBO, and admits that ‘the HBO show [...] will generate reams and reams of fan fiction. Whether HBO will encourage it, tolerate it, ignore it, or try to shut it down, I cannot say. That’s their call’ (Martin 2010). It should also be noted that, despite these statements, Martin has never made any concrete legal move against *ASOIAF* fic, which may have diminished their authority with fanfic writers.

Presently, HBO’s stance appears to be on the borderline between ‘tolerate’ and ‘encourage’, in line with academic arguments that fanwork is now more likely to be incited, managed and disciplined than discouraged (Johnson 2007; Pearson 2010; Schäfer 2011). The official HBO *GoT* Tumblr invites fans to ‘pay homage to the Realm and submit art, music, and more of your *GoT*-inspired creations’ to its archive ‘Works of the Realm’ on the condition of granting ‘HBO the royalty-free right (but not the obligation) to use your artwork, name and profile photo in any and all media, including advertising and promotion’ (HBO 2013). HBO is making no attempt to ban fanfiction, but nor is it encouraging and utilizing it as it does with these other fanworks. We might believe HBO’s tagline that their utilization of fanwork provides at least some fans with a selective opportunity to ‘cast a large shadow’ (a quotation from the series), or conversely, view its incitement and management as outright exploitation of fans’ creative work, limiting their activities to its terms and profiting from their labour (Andrejevic 2008; De Kosnik 2009).

3. Sample and method

Fan discourse is strongly inflected by site and context. As Martin has attempted to ban fic based on his books, but acknowledged he cannot ban fic based on the TV series, I believed this segregation/categorization on fansites would be a factor in how fic’s existence was justified. To take a fair cross section of examples, then, I coded 100 examples of paratextual notes and disclaimers – or lack thereof – from fic posted to three of the largest fanfic repositories on the internet: Fanfiction.net, Archive of Our Own (A03) and LiveJournal. A03 and LiveJournal organize fics by tag, and fic there was tagged as linked to the books, TV show, or both. Fanfiction.net’s interface requires users to choose: there is one sub-repository for *ASOIAF*, and another for *Game of Thrones*. The coded fics were selected by systematic sampling, each taking every *n*th entry to give a total of 100, so where there were 322 entries in a journal, every 3rd would be taken. This method was preferred to random sampling because Daniel explains, it ensures that ‘ensures that the sample is spread across the population’, and ‘eliminates the possibility of autocorrelation’ (2012, 148). Auto correlation is the influence of any one sample on the samples surrounding it: if one fanfic author posts an elaborate disclaimer in a

community, those immediately following might follow suit. This would give a false impression of the type and prevalence of paratexts over time. It also avoids bias towards any particular time period in the airing of the show or publication of the books. Any shortfall – e.g. due to the fact that some entries turned out to be moderator announcements – was made up by simple random selection, as the number required was so small that artificial bias was not a concern. Thus, the total number of fics was 700.

I then performed a critical discourse analysis of all available author's notes and disclaimers. My method followed Fairclough in the linking of this textual analysis to relevant social structures, observing where I found discourse 'invested' with ideologies (1993, 59–60, 67, 91), each combining pieces of many others (Fairclough 1993, 65, 80, 105, 115–119). I began with open coding, and but a range of paratexts which were sourced in several socially available genres, fannish, industrial and legal, emerged rapidly.

I found that the statements fell into four overlapping, intercrossing categories. The first, I named 'Communal Authorship': these were statements constructing the concept of authorship as inherently communal, in explicit revaluation of collaborative models that have been discredited or concealed in most twentieth-century author theory, even when applied to film and television (Bennett 2005, 95, 107). These kinds of notes and links function as intertextual paratexts, constructing the meaning of any given text as outside itself, posited in connection with others (Gray 2010, 117–131). Secondly I found the category 'Sole Author': these are statements constructing the fan as sole, originating author in implicit or explicit competition with Martin, directing the reader's interpretations. Herzog found similar tendencies in a variety of fandoms. This is unsurprising considering that the construction of the author as sole origin/genius is still popular outside the academy, especially in paratexts like newspaper reports, reviews and DVD extras (Bennett 2005, 108–118; Gray 2010, 99–102). Thirdly, there was a category of statements that construct authorship as passive, the fan as a kind of conduit seized by the story or her feelings for it, so that the fanfic just appeared spontaneously. I named this 'Unconscious Authorship', and whilst it might seem to contradict the idea of fanfic as a transgression of industrial media, Bennett suggests that this construction of the unknowing author whose work spontaneously erupts should be taken as the other side of the coin of the authorial cult of personality (70). The author as the special, but also somewhat passive conduit of a Muse is an ancient trope. Finally, there is a category of statements that directly challenge or negotiate the ownership and control of *GoT*/*ASOIF*, appearing both as notes and disclaimers: I named this 'Challenging Authorship', with the deliberate double meaning of a challenging *to* prevailing models of authorship, and the self-presentation of an author who is setting down a challenge.

4. Findings

Whilst many of the comments on Martin's statement support his prohibition, or at the least, acknowledge an authorial right to make it and a corresponding fannish obligation to obey, fanfic for both *GoT* and *ASOIF* is flourishing. Herzog argues that 'author's notes as a part of fannish paratext are an essential means of supporting the fan authors' claim to power by providing these writers with an explicit space to make their voices heard' (2012, 0.1) Historically, disclaimers of ownership have also served as an important paratext, negotiating the fan's use of another's intellectual property, but this is becoming less common and less formal. Tushnet believes that 'informality in

disclaiming ownership is tied to a sense of greater normalcy [and] fewer fan creators are worried that they are somehow doing something wrong' (2007, 64). In the face of Martin's forthright statements, one might think this would not apply, that prohibition might incite discursive defence. On the contrary, the presence of author's notes and disclaimers on fic was far from ubiquitous, as the table of distribution illustrates:

	Number of fics coded	Number of author's notes	Number of disclaimers
Fanfiction.net: book only	100	54	25
Fanfiction.net: TV only	100	45	23
LiveJournal: book only	100	34	0
LiveJournal: TV only	100	78	46
LiveJournal: mixed	100	54	5
A03: book only	100	61	3
A03: TV only	100	79	5
A03: mixed	100	74	9
Total	700	479	116

Quotations refer to categories. Overall, 68% of fic had authors' notes, and just 17% had disclaimers (nearest integer). Note particularly the bias against disclaiming book-based fic, which, given the terms of Martin's prohibition, would initially seem most in need of justification. I suggest we understand this silence, these gaps where paratexts would formerly have been expected, as a powerful discursive gesture. The refusal to disclaim or justify is a refusal of Foucault's incitement to discourse, the demand to speak, confess, reveal and position oneself in relation to power. Discursive self-positioning may give the 'appearance of a deliberate transgression' (Foucault 1998, 6) but in fact, the *refusal* to justify one's fanfic, to explain and present it, is arguably the more transgressive statement. Fic exists and takes up space in the transmedia archive that any modern franchise becomes, regardless of Martin's sentiments. Moreover, book-based fic tends to be friendslocked or locked to a community. Though not an infallible shield to outsider eyes, it is less easily and readily visible than fic which self-consciously organizes and presents itself to potential industry insiders.

5. Paratextual positionings

(a) Communal authorship

Many entryway paratexts take statements from a discourse of communal authorship common to fan production and transformative work in general. These included dedications to other fans, or reference to the prompt from another fan that inspired the fic. Given that the primary LiveJournal communities for *ASOIAF/GoT* fic are hubs for arranged exchanges of fanfic, this is not surprising, but indicates a strong communal structure on that site supported and built up on its interface. The most basic kind follow a formula: 'for the prompt [prompt text] from [user]'. Justification is simple and communal: another fan desired this, so it is delivered. The meaning of the text is not entirely contained within its boundaries but indicated in the hyperlinked prompt from another fan, also hyperlinked. Owners do not come into it. Others espouse a looser kind of collaboration:

[I want to thank] [user]just_a_dram, who, in addition to ungarbling my sentences, continues to go above and beyond the call of beta-duty in helping me untangle the ever-thickening plot. (mrstater 2012a, LiveJournal: TV only)

I feel like I have a small nation to thank for helping me with this. Thanks, small nation! Especially [user]chacusha and [user]violaswamp. (misstopia 2010, LiveJournal: book only)

This was far more common on LiveJournal and A03 than Fanfiction.net, and may be attributable to the technology of the websites. LiveJournal allows for a great deal of hypertextual interlinking and direct comments, and serves as a hub for community fic archives. Fanfiction.net presents fic in more segregated spaces. I have argued elsewhere that the technology of sites regulates fan discourse (2013), and here, we see how it impacts the construction of authorship specifically. Such statements posit the opposite of Martin's conceptions of authorship: creativity is not the output of the lone genius, but the productions and formations of 'a small nation'.

In-media-res paratexts sometimes ask directly for feedback, or thank readers for support and encouragement to write. On LiveJournal and A03, they highlight and link to work inspired by the work at hand. Anon. 2 does so, and then admonishes:

Oh and if anyone has drawn or created anything inspired by this fic that I haven't seen yet ... TELL ME IMMEDIATELY SO THAT I CAN LOVE YOU! (2013, Fanfiction.net: TV only)

This reconfigures HBO's incitement. Placed in a category for TV-only fic, it makes no disclaimer, apparently confident in HBO's toleration of fanfic. Like HBO, it invites transformative work, but rather than asking for rights, asks only to see it, in order that the next creator might be repaid with 'love'. Statements of communal authorship tend to follow these patterns, i.e. response-to-prompt, thanks for assistance, requests for reviews and influence, and reference to works based on the present work. These were the dominant type of paratexts, with little variation on the formulas across any of the sites. This may be evidence that a kind of communal-authorship ethics and ethos crosses boundaries of site and fan audience, deconstructing the concept of author as sole, unified fount of meaning. But before we assign any kind of utopian programme or intention to this body of transformative work, we must consider the next, also prominent category: the (paradoxical) construction of the fan writer as controlling, solitary author.

(b) Sole Author

Constructions of solitary authorship are one function Gray specifically recognises paratexts as performing in the industrial sphere (2010, 99–102), and this extends to fanfic. Like the DVD extras Gray studies, these paratexts sometimes tell a short story of how the work came to be, and in doing so, imbue it with an aura of quality:

A/N: While reading, I saw the quote I open with and began to formulate this story. The fragmented style is intentional. My decision to use pronouns instead of proper names developed as I wrote. (congratsyou'vegrownasoul 2013, Fanfiction.net: book only)

A singular originating author is possibly the strongest discursive mark of quality in traditional criticism of the arts (c.f. Bennett 2005; Gray 2010; Kompare 2011). Though 'reading' was the initial impetus for this story, the reader is guided by an entryway

paratext on how to appreciate it. Criticism of a ‘fragmented style’ is pre-empted, as ‘congratsyou’vegrownasoul’ assures the reader it is intended. The use of technical terms ‘pronoun’ and ‘proper names’ constructs her as an able writer with a handle on the English language. The implied justification for fanfic is that, contra Martin’s derision, it is presented as real and proper literature. Compare the short prefatory statements ‘by Alan Gilfooy in the world of George R.R. Martin’ (AlanI 2013, Fanfiction.net: book only). Gilfooy places his own name first and credits no other writer. The paradox at work in these kinds of statements is that the source text legitimates the existence of the writer’s own self-presentation. Without ‘the world of George R. R. Martin’ there would be no fic. In-media-res paratexts also guide and instruct the reader in the proper appreciation of the story, defending the writers’ conceptions and pre-empting or responding to criticism:

I know Rhea is a hard Character to get to like, but you gotta understand that she is used to getting everything and so on. Yes, I also know she can be REAL nasty, but she does fall in love. (TheLittleAuthor 2012, Fanfiction.net: TV only)

Contrary to Martin’s assertions of control over his characters, these writers assure their readers they know how to manage them, asking us to ‘have faith’ that they will fulfil their part of the author–reader contract and deliver the proper text as it should be written (Anon. 2012, Fanfiction.net: TV only).¹ There is also correction at work in these in-media-res paratexts, as an author acknowledges then manages a reader’s criticism in a note:

I can completely understand where people are coming from when they contest Garrett’s family loyalty/house loyalty, but your perception of him isn’t entirely the case. [...] It was never my intention to have them fit in with the universe – they were meant to shake the foundations it stood on [...] The Blackmore sigil is a gear – and what does a gear do but constantly move forwards? (Last of the Lilac Wine 2013, Fanfiction.net: book only)

Metaphor and rhetorical questioning are used to persuasive ends, constructing the author’s ‘intention’ as the correct meaning of the work. This kind of paratext invokes the traditional author/reader contract that, paradoxically, Martin requests and fanfic writers deny him: the reader must leave the story in the author’s hands, and ‘have faith’ s/he will deliver. They consolidate and legitimate fanfic as a ‘real’ art form with real authors and thus, by inference, real quality (c.f. Gray 2010). Notice the predominance of the Fanfiction.net categories: this site, with its relative lack of hyperlinks and segregation of text into plain, black-on-white webpages reminiscent of printed text, tends to construct authorship more traditionally.

Other assertions of authorship defend the fanfic through the rhetoric of originality. As Busse and Stein argue, fanfic as a form challenges concepts of originality as creativity *in practice* challenges notions of originality as being the condition of creativity; but its rhetoric and self-presentation often stresses originality and innovation. Fandom frequently struggles with legitimizing itself in terms of *what is already legitimate*, i.e. concepts like originality and proper authorship, rather than deconstructing or questioning those concepts. Consider these entryway paratexts:

Any similarity with some other already existing fanfiction story is completely unintentional. (HermioneJMalfoy 2012, Fanfiction.net: TV only)

Written by John Evans & Edited by Matt Lewis. Copyright 2013. (Erurainon 2013, Fanfiction.net: TV only)

These statements, inherited and adapted from the discourse of IP law, assert a traditional model of ownership as residing with fan creators as ‘original’ creator, invoking their own copyright. Both of these are from Fanfiction.net, the site which, as noted, contains the fewest intertextual constructions. The following is likewise from Fanfiction.net, as an in-media-res response to a reviewer:

CityGirl13’s story What Are You Fighting For [which the reviewer asserted had been copied] is one of the first Game Of Thrones stories I have read. [...] There’s honestly no way that I could possibly remember that story despite how good that story was written [...] it was purely coincidental that there was similarities. Despite that I have written below I have written my thought process for Chapter 1 to better explain.

[here the author offers an original justification for the narrative choices her reviewer suggested had been copied]

Everything that is written in this story is written for a reason which was to be revealed in due time. (Azalia Fox Knightling 2012a, Fanfiction.net: TV only)

Knightling’s paratextual justification is the longest and most in-depth paratext on any fic in the sample, and significantly, it comprises a careful defence of the fanfic writer as original author and the value of originality. Archiving it under *GoT*, the televisual adaptation, and avoiding mention of Martin, Knightling’s fic positions itself in the space left by HBO’s tolerance. This could be read as a form of obedience to the organisational powers of discourse, a properly managed response to incitement. Yet, Knightling also uses this space to carefully construct her own place as an author, consolidated by a double-edged disclaimer: ‘I do not own the Game of Thrones. I just own anything you don’t recognize’ (Azalia Fox Knightling 2012b). The construction of singular, original authorship may have a tactical element: as Tushnet notes (*forthcoming*), fanfic is still by and large a denigrated art form. By positioning ourselves as ‘proper’ authors on a traditional model, we paradoxically legitimate fic as ‘proper’ art.

Other authorial paratexts direct the reader more playfully. These were most common on A03. These too instruct the reader how to take the story, but in a different style:

SANSA, ARYA, BRAN AND RICKON’S AGES MIGHT NOT MATCH UP PERF WITH WHAT’S IN THE FIRST PART OF THIS I AM SO SORRY I DON’T EVEN KNOW LEAVE ME ALONE I AM SICK OF THIS FIC GOODBYE CRUEL WORLD I TRIED TO JUSTIFY THEY’RE [*sic*] PRIOR BEHAVIOR IN THE LAST FIC WITH THEIR AGES IN THIS FIC AT THE END LEAVE ME ALONE.

jumps off cliff (Unknown 2013, A03: book only)

The length, run-on sentences and excess of capital letters denotes lack of seriousness, as does the asterisked performative. To present oneself with the pseudonym ‘Unknown’, and performatively erase the author through ‘jump[ing] off [a] cliff’, disavows the importance of authorial identity. Yet they also uphold it, as the username functions like any other, as a link to a profile and body of work. Unknown also utilizes a strong authorial voice. These entryway paratexts still direct the reader in proper interpretation

and appreciation, asking her not to take the work too seriously, not to demand too much, but enjoy it for what it is. They are an explanation of the work and deflection of criticism. The performance is of comedic flippancy, yet clearly, the fic has value in the fannish space – the request for it could have been ignored. Fic is justified as something different and less serious than Martin's saga. Indeed, A03 rarely makes mention of Martin at all, constructing and presenting itself a purely fannish space. I would argue that a certain transgression comes from the refusal of direct negotiation, from the unabashed continuation of fanwork without regard to or address of the discursive incitement of HBO or the prohibitions of Martin. This will be further explored below, with regard to the absence of paratexts.

Moreover, whilst this sort of paratext structures the work as less serious, that does not necessarily indicate lesser value. Janie_tangerine addresses the reader with an entry-way paratext:

I sincerely don't give a shit about the plot, the characterization and the likeliness of all this to happen and I stuff in every fluff trope that has existed since fluff tropes were invented and I titled it after fucking Jefferson Starship so yes, that's exactly what you're getting [...] nothing is probably the way I'd have done it if I had been attempting to write this with any kind of verisimilitude – don't expect it). (janie_tangerine 2013, A03: TV only)

The reader is instructed what to s/he is 'getting' and what not to expect, and the fact that this fic has (a) been posted and (b) assumed to have readers asserts that there is value to an overload of 'fluff tropes', hugging and crying as well as to 'verisimilitude' and 'likeness'. For janie_tangerine knows how that would be written ('nothing is probably the way I'd have done it ...') but in this instance, has written something else, in a melodramatic mode inextricably gendered feminine. In a sense, this opposes the construction of the singular, serious, masculine author, yet it still fulfils the function of instructing the reader how to 'properly' read the text.

(c) Unconscious Authorship

Melodrama and the feminine also inform the next category of paratexts, which structure the author as a passive vessel through which creativity flows. As Bennett points out, this unconscious author, though self-effacing in performance, can sometimes be understood as the other side of the coin of the cult of authorial personality (66–71, 70). Not all of us can be chosen or gifted by the Muse. The paradox of legitimation is at work here as well – for the Muse, or spirit that seizes and inspires the fan writer seems to be if not the author, the canonized text as his proxy, particularly through the function of characters.

The hallmark of these paratexts is the passive voice. As mrstater expresses it:

Ugh. So. Many. Feelings. about this week's episode. Doreah and Irri! Jorah/Dany! This fic happened, and I imagine it won't be the only show-based fic S2 inspires. (2012b, LiveJournal: TV only)

The active subject is 'S[eason] 2': the canonical text has done the inspiring, and 'fic happened'. Some statements (which I am denied permission to quote) omit a verb altogether, so the inference is that fanfiction 'appeared' or 'manifested'. The writer is constructed as having little to do with it, other than as a vessel or receptacle.

Frequently, this is expressed through personification of the characters:

This was not the fic I was planning to write, but Sansa just would not leave me alone. (redbells LiveJournal: mixed)

I know this is rather a long one-shot, but those darned love birds [characters] just wouldn't let me stop! (The_Mother_Quill 2013, A03: mixed)

This trope is most frequent and most playful on A03, with some evidence on LiveJournal. This suggests that older, more experience fans feel freer to play with and critique conventional models of authorship, and perhaps also critique narrow understanding of fandom that would present fans as miniature academics. Playful employment is more popular for television categories than book, suggesting a residual allegiance to the printed volume as more 'proper' and respectable text. Yet, the trope can also be used more seriously, along the inspiration model which is inextricably related to the cult of the author. For example, as tay_21 explains in an entryway paratext: 'as I was waking up the other morning, my muse blessed me with this lovely fix it fic. (I'm usually in a half dream state when my stories find me)' (2011, LiveJournal: TV only). Invocation of the muse, 'dream state', and objectification of the 'story' as the active object, simultaneously elevate and avoid the construction of fan-as-writer. These entryway paratexts are an intelligent negation of prohibition, as the writer cannot exactly be held responsible for the appearance of the fic, yet as conduit, can still claim a certain amount of authority. The 'text itself' is both responsible for the appearance of fic, and subjected to the fic's 'fixing' function. A 'fix-it fic' rewrites canonical events the fan dislikes, paradoxically exerting its power over the text it is sourced from. The 'fic happened', in defiance and betterment of canon, yet the fan is not precisely responsible.

(d) Challenging Authorship

The legitimization paradox is most explicit in this last category of paratexts, which falls in frequency between Sole Author and Communal Authorship (most common) and Unconscious Authorship (least common). I named it 'Challenging Authorship' with the paradox in mind, evoking both an author who is challenging, and a challenge to prevailing models of authorship. These are explicit negotiations between a writer presenting an acknowledged derivative or transformative work, and the copyright holders, thus presenting a challenge to prevailing models of authorship and ownership.

Roth and Flegel have argued that fans' invocation of legal language around fanfic can act as a transformative force upon copyright law, for

so long as those whom the law is meant to regulate see themselves as legitimate shapers of that law, even though they inhabit space outside the formal mechanisms of law or the legal world, the law will not be effective. (2013, 201)

On the contrary, I have found that fans use disclaimers, where they remain, as careful negotiations of *existing* law, and to stake out a place within the territory of fair use that copyright law provides. Consider the thoughtful disclaimer Anon. attaches to her fic:

Disclaimer: The fan-created fiction herein relates to the HBO series, characters and story, and in no way references the book series. All works belong to David Benioff and D. B. Weiss, and HBO, and George R.R. Martin. Due to Martin's request that no fanfiction pertaining to his stories be created, this relates only to the television show. No offense is meant. Everything is purely for entertainment purposes. I own and claim nothing. (Anon. 2013)

These statements do not attempt to intervene in legal discourse but consolidate it, for rather than attempting to change law to make her fanfic legal, they assert that it already is: Anon. is not making a profit, nor claiming ownership of the source text, and acknowledging the rightful legal owners. These factors would weigh in favour of a finding of fair use at court (see McCardle 2003, especially 450–452; Fiesler 2008). Moreover, she claims to be abiding by Martin's wishes, which is over and above the demands of law. Others make a similar negotiation more concisely: as marycontraire puts it, 'Fic based on HBO interpretation and not the books because I don't want to wake the dragon (piss off GRRM)' (2011, LiveJournal: TV only).

On the other hand, some extended author's notes challenge Martin directly. Pinksnowboots prefaces her story, for an explicitly book-based fic:

Just a short note-Yes, I do know that George R. R. Martin disapproves of fanfiction. I actually disapprove of him writing such engaging books, then killing so many wonderful characters (like Renly). Therefore, this is my revenge for Martin's 'Anyone can die' philosophy. (2012, Fanfiction.net: book only)

Martin's claim to disallow fanfic has been downgraded to 'disapproval'. This could be taken as an illustration of Roth and Flegel's point, as Martin's opinion of fanfic, and whether or not he believes he can 'allow' it, has questionable relevance to its legal status. Moreover, pinksnowboots asserts that with his habit of killing off fan favourites, Martin has broken an author–reader contract. Finally, s/he establishes an author–reader relationship that excludes Martin: he is not the one 'reading this', but fellow fans. A short note on ihadate's fic seems to be of the same sort, reading simply, 'fuck you George Martin' after a series of disjointed notes concerning her emotions regarding a particularly tortured character (ihadadate 2013, A03: TV only). This again raises the question of whether we should read these justifications for fic as *confronting* the prohibition, or, to utilize the Foucauldian image of networked power again, simply evading it and setting fanfic up as something different and apart and differently authored. Consider the phrasing of this disclaimer:

Based on the HBO show rather than the books. Loosely. We own nothing, and no one on HBO would want to lay claim to this. XD We have nothing to do with George R R Martin. (rachel2205and outboxed 2011, LiveJournal: TV only)

Asserting that the network would not want this story, followed by a laughing emoticon, might be taken as self-effacement or construction of the fic as lacking value: yet clearly, it *does* have value in the fandom context, like those melodramatic fics that 'don't give a shit about plot', and serves different and other needs than canon. Moreover, any confrontation of contradiction of Martin is explicitly avoided: this fic is 'nothing to do with' him. Yet even as it legitimates itself as something other, something apart from canon, the very form of fanfic demonstrates its canonized source. The author's emotive expressions, which ihadate expresses, 'i'm sorry but i really love theon [...] i love his plot and i love him as a character' (2013), demonstrate the power of the source text even as she curses its creator. The paradox of legitimation cannot entirely be escaped, as this discussion of positioning by paratexts has found. Where fic comes closest, I would argue, is in the *absence* of paratexts, where property and influence is neither claimed nor disclaimed and the reader is undirected. These fics enter the transmedia archive of *GoT/ASOIAF*, now spanning Martin and HBO's official sites; Tumblr, LiveJournal, A03,

Facebook and more, without a response to the prohibitions of Martin or the tactical incitements of HBO. In *refusing to answer* the terms laid down by the corporate owners, they form a powerful illustration of Foucault's theory that to speak, even to disagree or defy, is a kind of obedience to organizing gaze of power. The fan refuses to negotiate on the author's terms, simply staking out his or own space in defiance of them. Refusing to speak, remaining silent before the imperative to confess and justify a position, may be the radical gesture here. Fanfiction flourishes whether Martin claims to 'allow' it or not; its writers simply ignore him, thus denying the power and authority of his textual prohibitions. Given that he has not yet made any legal move against these writers, the tactic is evidently successful, diminishing the author's authority and altering the concrete power relationship between author and fan writer.

6. Conclusion

Fanfic cannot practically be banned. Rather, a discursive negotiation of the concepts of authorship and ownership taking place between authors, owners and fans, with fic author's notes and disclaimers as serving as paratexts that actively re-structure these concepts. Yet even as they set up their own in opposition to the proclamations of an author-God, they are frequently implicated in the paradox of justification by reference to what is already established and culturally legitimate. This does not make them powerless or ineffective, but renders their transformative power reformist rather than radical. Those paratexts that construct the fan-space as something *apart* from and different to canon, minimizing reference to author and canon and constructing the communal nature of authorship, may begin to deconstruct this paradox, questioning the very concept of the author as single originating fount of meaning. However, the *absence* of paratexts, in silent refusal to negotiate with the already-established author, do not claim place in a canon/fanon hierarchy, but appear as simply more story. The authority of the originating author is thus diminished in a very practical sense. Whilst it is true that no online text has the reach of an industrial TV show, the 'canonicity' and authority of the individual text is also dependent on the mind of the reader. Fans may take any fic as 'personal canon' (Fathallah 2013, 291). As the tables of distribution suggest setting up one's fanfic with paratexts is actually becoming less and less common. Whether this will cause a crackdown by owners, demanding un-authorized works be disclaimed and structured as non-canon, or, as media converges further, chip away the structures of hierarchy between authorized canon and fanon, remains to be seen at this time. Further research is needed to establish whether there are any patterns to the omission of fan-paratexts, and what can be inferred from such patterns. It may be possible, for instance, to establish common factors in fans' decision to omit paratexts, or whether their absence or presence correlates to statements by Martin or HBO, or to event in the series, thus providing further insight into the refusal of incitement to discourse.

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Note

1. This author requests to remain anonymous.

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